

# MOROCCO 2022 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Morocco is a constitutional monarchy with a parliamentary system under which ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers, although executive authority is shared with Head of Government Aziz Akhannouch. According to the constitution, the king appoints the head of government from the political party with the most seats in parliament and approves members of the government nominated by the head of government. Parliamentary elections were held in September 2021, and observers characterized them as well organized and conducted without significant problems or irregularities.

The security apparatus includes several police and paramilitary organizations with overlapping authority. The national police force manages internal law enforcement in cities and reports to the Ministry of Interior. The Auxiliary Forces also report to the Ministry of Interior and support gendarmes (armed police) and other police. The Royal Gendarmerie, which reports to the Administration of National Defense, is responsible for law enforcement in rural regions and on national highways. The judicial police (investigative) branches of both the Royal Gendarmerie and the National Police report to the royal prosecutor and have the power to arrest individuals. Civilian authorities maintained effective control over security forces. There were reports that members of the security forces committed some abuses.

Morocco claims sovereignty over the territory of Western Sahara and controls approximately 80 percent of the territory. The Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (also known as the POLISARIO) disputes Morocco's claim to sovereignty and seeks independence for Western Sahara. Moroccan and POLISARIO forces fought intermittently from 1975, when Spain relinquished colonial authority over the territory, until a 1991 cease-fire and the establishment of a UN peacekeeping mission. The POLISARIO withdrew from the cease-fire in November 2020, and since then there have been reports of intermittent indirect fire between Morocco's Royal Armed Forces and POLISARIO fighters across the 1,700-mile separation barriers (the "berm"). The UN Mission for the Referendum in Western Sahara mandate was renewed on

October 27.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment by some members of the security forces; political prisoners; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media, including unjustified arrests or prosecutions of journalists; censorship and enforcement of or threat to enforce criminal libel to limit expression; substantial interference with the freedom of assembly and freedom of association; serious government corruption; lack of investigation of and accountability for gender-based violence; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and the enforcement of laws criminalizing consensual same-sex sexual conduct between adults.

The government took steps to investigate officials who allegedly committed human rights abuses and acts of corruption, but investigations into police, security force, and detention center abuses lacked transparency and frequently encountered long delays and procedural obstacles that contributed to impunity.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There was one report that the government or its agents may have committed arbitrary or unlawful killings.

Local media reported the Benguerir judicial police opened an investigation into the death of a man in police custody on October 6. In a public statement, the Directorate General of National Security (DGSN) stated the suspect had been placed in police custody as part of a criminal case. He lost consciousness and died in the ambulance. The investigation was ongoing at year's end.

### **b. Disappearance**

There were reports of disappearances by or on behalf of government authorities during the year.

Amnesty International reported in December that at least 77 persons were missing following their attempt to cross the border into Spain's Melilla enclave in June (see section 2.e.). According to the government, on June 24, the UN Committee on Enforced Disappearances requested its cooperation concerning the alleged disappearance of the Sudanese national Mazen Dafallah Haroun Dafallah following his attempt to cross the border post between Nador and Melilla. Authorities reported they were unable to uncover any information pertaining to Dafallah.

The National Council on Human Rights (CNDH), a publicly funded national human rights institution, continued to cooperate with the UN Office of the High Commissioner for Human Rights (OHCHR) on unresolved cases of disappearance prior to 1992.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution and the law prohibit such practices, but there were credible reports that government officials employed them.

Government institutions and nongovernmental organizations (NGOs) continued to receive reports regarding mistreatment of individuals in official custody. The Public Prosecutor's Office received seven complaints containing allegations of torture between January and September. At year's end, one complaint was in the discovery and evidence gathering phase, five were under investigation, and one complaint was closed.

According to the government, during the year the Government Prosecution Office prosecuted nine police officers for the use of violence, who were awaiting judgment in their cases. Three police officers were investigated for excessive use of force against a detainee and subsequently placed on administrative leave. Three other police officers were subjected to administrative investigation for mistreatment of detainees. No additional details on these cases were provided by the government.

There were accusations that security officials subjected Western Sahara

proindependence protesters to degrading treatment during or following demonstrations or protests calling for the release of political prisoners. On April 16, unidentified individuals in Boujdour, Western Sahara, beat and seriously injured five women Sahrawi rights and independence activists who were visiting activist Sultana Khaya under informal house arrest (see section 2.d.). Authorities said they opened an investigation into the incident, but no results were released as of year's end.

International and local human rights organizations claimed that authorities dismissed complaints of abuse in Western Sahara and relied only on police statements. Government officials generally did not provide information on the outcome of complaints. On June 10, the International Service for Human Rights (ISHR), ACAT-France, the League for the Protection of Sahrawi Political Prisoners in Moroccan Prisons (LPPS), and a group of lawyers submitted four complaints to the UN Committee Against Torture on behalf of four Sahrawi human rights defenders, who they stated endured severe acts of torture at the hands of government authorities. According to a public statement from ISHR, the four Sahrawi human rights defenders – Mohamed Lamine Haddi, Hassan Dah, Abdelmoula El-Hafidi, and Mohamed Bani – had been detained for six to 12 years based on confessions obtained under torture and without a fair trial. In April Amnesty International reported that on March 15, 17, 18, and 21, five prison guards entered the prison cell of Mohamed Lamine Haddi and beat him with batons and cut his beard against his will after he stated he planned to protest the prison conditions and the denial of access to medicine by going on a hunger strike.

### **Prison and Detention Center Conditions**

Prison conditions improved during the year but in some cases did not meet international standards. Prison conditions were harsh and life threatening in some prisons due to overcrowding.

**Abusive Physical Conditions:** The Moroccan Observatory of Prisons, an NGO focused on the rights of prisoners, continued to report that some prisons were overcrowded and failed to meet local and international standards. In newer prisons pretrial detainees and convicted prisoners were held separately, but in older prisons the two groups remained together.

As of the end of November, in the country's 75 prisons, the prison population surpassed 175 percent of capacity. According to government sources and NGOs, prison overcrowding was due in large part to an underutilized system of bail or provisional release, a severe backlog in cases, and lack of judicial discretion to reduce the length of prison sentences for specific crimes. Government sources stated that administrative requirements also prevented prison authorities from transferring individuals in pretrial detention or the appeals phase to facilities outside the jurisdiction where their trials were to take place.

The code of criminal procedure considers "preventive detention an exceptional measure." Nonetheless, approximately 42 percent of the total prison population were pretrial detainees, consistent with the trend of the past decade.

The law provides for the separation of minor prisoners from adult prisoners. In all prisons, officials classify youth offenders into two categories, both of which are separated from other prisoners: minors younger than 18 and offenders between 18 and 20 years old. According to authorities, minors were not held with prisoners older than age 20. The General Delegation for Prison Administration and Reintegration (DGAPR) had three dedicated juvenile "centers for reform and education" but maintained separate, dedicated youth detention areas for minors in all prisons. The government reported that, in cases where a juvenile court judge ruled detention was necessary, minors younger than 14 were detained separately from minors 15 to 18 years old. A judge is supposed to monitor cases monthly of detained minors. In some juvenile detention centers, this monitoring included routine check-ins with wardens and prison officials on cases, and monthly review of detention case files for updates.

The DGAPR reported there was no discrimination in access to health services or facilities based on gender for women prisoners, who made up just over 2 percent of the prison population. Some officials reported that women inmates often had a harder time accessing gender-specific health specialists such as obstetricians and gynecologists than a general physician. Local NGOs asserted that prison facilities did not provide adequate access to health care and did not accommodate the needs of prisoners with disabilities. The DGAPR reported a nurse and a psychologist examined each prisoner on arrival and prisoners received care upon request. The DGAPR reported conducting extensive COVID-19 tests and medical consultations

in prisons.

**Administration:** The CNDH and the DGAPR investigated allegations of inhuman conditions. The CNDH and the DGAPR effectively served the function of an ombudsperson, and a system of “letterboxes” in prisons to facilitate prisoners’ right to submit complaints regarding their imprisonment. Detainees could submit complaints without censorship to the DGAPR Delegate General’s Office for processing, as well as to the CNDH.

While authorities generally permitted relatives and friends to visit prisoners, there were reports that authorities denied visiting privileges in some instances. The DGAPR assigned each prisoner to a risk classification level, which determined visiting privileges. According to its prisoner classification guide, the DGAPR placed restrictions on the level of visits, recreation, and types of educational programming for higher-risk prisoners. At all classifications, prisoners may receive visits, although the length, frequency, and number of visitors may vary. Most prisons assigned each prisoner a designated “visit day” to manage the number of visits to the prison. The DGAPR authorized religious observances and services provided by religious leaders for all prisoners, including religious minorities. To limit the spread of COVID-19 during the pandemic, DGAPR suspended family and lawyer visits from January 10 to February 28 but increased phone time and frequency privileges for inmates during this period. The DGAPR put in place several measures such as cleaning and periodic disinfection while providing officials and inmates with means of prevention, including masks.

**Independent Monitoring:** The government permitted some NGOs with a human rights mandate, as well as the CNDH, to conduct unaccompanied prison monitoring visits. Government policy also permitted academics, as well as NGOs that provided social, educational, or religious services to prisoners, to enter prison facilities. The CNDH reported there were 31 different associations that engaged with the prisons to provide services such as medical care, victim care, and skills training. The CNDH conducted 155 monitoring visits through June.

Between January and June, the CNDH carried out 10 visits to prisons in Western Sahara, including four in Laayoune-Sakia, with the stated goal of preventing practices likely to lead directly or indirectly to torture or mistreatment and

engaging with authorities on human rights obligations.

**Improvements:** According to the DGAPR, the government began development and restoration projects at prisons in Bourkaiz, Safi, Kenitra, Tiznit, Missour, Salé, Khémisset, Khouribga, and Ain Sebaa to improve detention conditions for prisoners, specifically by bringing food, hygiene, and infrastructure up to international standards.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge in court the lawfulness of his or her arrest or detention. The government generally observed these requirements; however, observers indicated that police did not always respect these provisions or consistently observe due process, particularly during or in the wake of protests. According to local NGOs and associations, police sometimes arrested persons without warrants or while wearing civilian clothing.

Individuals have the right to challenge the legal basis or arbitrary nature of their detention and request compensation by submitting a complaint to the court. NGOs expressed concerns that lack of respect for fair trial guarantees and judicial independence meant these rights were rarely exercised effectively in practice.

#### **Arrest Procedures and Treatment of Detainees**

By law police may arrest an individual after a general prosecutor issues an oral or written warrant. The law permits authorities to deny defendants' access to counsel or family members during the initial 96 hours of detention under terrorism-related laws or during the initial 24 hours of detention for all other charges, which can be extended 12 hours with approval of the Prosecutor's Office. Authorities did not consistently respect these limits. Most reports of abuse stemmed from police interrogations during these initial detention periods. The government continued to require new police officers to receive security and human rights training facilitated by civil society.

In ordinary criminal cases, the law requires police to notify a detainee's next of kin of an arrest immediately after the above-mentioned period of incommunicado

detention, unless arresting authorities applied for and received an extension from a prosecutor. Police did not always respect this requirement. Authorities sometimes did not notify the family or lawyers promptly of the arrest, and the families and lawyers were not able to monitor compliance with detention limits and treatment of the detainee.

The law states, “in the case of a flagrant offense, the Judicial Police Officer has the right to keep the suspect in detention for 48 hours. If strong and corroborated evidence is raised against this person, [the officer] can keep them in custody for a maximum of three days with the written authorization of the prosecutor.” The Antiterrorism Act allows initial detention of a terrorism suspect for 12 days. The suspect has a right to a 30-minute visit by a lawyer, which authorities can delay until the end of the 12-day detention period. In non-terrorism-related cases the lawyer’s visit must occur no later than the midpoint of the detention period.

At the conclusion of the initial detention period in police custody, a detainee must be presented to a prosecutor, who may issue provisional charges and order additional investigation by an investigating judge in preparation for trial. The investigating judge has four months, plus a possible one-month extension, to interview the individual and determine what charges, if any, to file for trial. An individual may be detained in investigatory detention or be released during this phase. At the end of five months (if an extension is granted), the investigative judge must either file charges, decline to file charges and drop the case, or release the individual pending additional investigation and a later determination of whether to file. Authorities generally respected these timelines; however, in at least one high-profile case, authorities conducted lengthy investigations and charges remained pending past the allowed timeline.

NGO sources stated that some judges were reticent to use provisional release, bail, or other alternative sentences permitted under the law. The law does not require written authorization for release from detention. In some instances, judges released defendants on their own recognizance. A bail bond system exists, requiring bond in the form of property or of cash paid to the court. The bond amount is subject to the judge’s discretion, depending on the offense. Bail may be requested at any time before the verdict. According to the law, defendants have the right to attorneys; if a defendant cannot afford private counsel, authorities must



provide a court-appointed attorney if the criminal penalty exceeds five years in prison. Authorities did not always provide effective and timely counsel.

**Arbitrary Arrest:** Security forces often detained groups of individuals for various reasons, took them to a police station, questioned them for several hours, and released them without charge.

Under the penal code, any public official who orders an arbitrary detention may be punished by demotion and, if it is done for private interest, by imprisonment for 10 years to life. An official who neglects to refer a claimed or observed arbitrary or illegal detention to his superiors may be punished by demotion. Activists asserted that the government carried out arbitrary arrests associated with enforcement of the shelter-in-place protocol due to COVID-19 restrictions, but no security officials were investigated on this basis, and there was no official report that these provisions were applied during the year.

**Pretrial Detention:** Although the government claimed authorities generally brought accused persons to trial within two months, prosecutors may request as many as five additional two-month extensions of pretrial detention. Government officials attributed delays to the large backlog of cases in the justice system caused by a lack of human and infrastructure resources; lack of plea bargaining as an option for prosecutors, which lengthened case processing times; rare use of mediation and other permitted out-of-court settlement mechanisms; and the absence of legal authority for alternative sentencing, among other issues. In some cases defendants were held in pretrial detention for longer than their eventual sentence, particularly for misdemeanors.

## **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but the government did not always respect judicial independence and impartiality. As in previous years, NGOs asserted that corruption and extrajudicial influence weakened judicial independence. The Supreme Judicial Council, mandated by the constitution and established in 2017, manages the courts and day-to-day judicial affairs in place of the Ministry of Justice, but it made limited progress in its stated mission of improving judicial independence. The king appoints the president of the Court of

Cassation (the highest court of appeals), who chairs the 20-member council. Additional members include the president of the First Chamber of the Court of Cassation; the prosecutor general; the mediator (national ombudsperson); the president of the CNDH; 10 members elected by the country's judges; and five members appointed by the king. Human rights activists alleged trials sometimes appeared politicized in cases involving Islam as it related to political life and national security, the legitimacy of the monarchy, and Western Sahara.

## **Trial Procedures**

The law provides for the right to a fair and public trial with the right of appeal, and the judiciary generally enforced this right, but NGOs reported significant concerns with fair trial guarantees in some high-profile cases (see sections 1.e. and 2.a.). The law presumes that defendants are innocent. The law requires defendants be informed promptly of potential charges after the initial arrest and investigation period, and authorities generally respected this requirement. Defendants are then informed of final charges at the conclusion of the full investigatory period, which may last several months. Trials are conducted in Arabic, and foreigners have the right to request interpretation if they do not speak Arabic.

Defendants have the right to be present at their trial and to consult in a timely manner with an attorney of their choice. Defendants have the right to refuse to participate in their trial, and a judge may decide to continue the proceedings in the defendant's absence while providing a detailed summary to the defendant. Authorities at times denied lawyers timely access to their clients, and in some cases, lawyers met their clients only at the first hearing before the judge.

Authorities are required to provide an indigent defendant with an attorney in cases where the potential sentence is greater than five years, but these defense attorneys often were poorly paid and were not properly trained in matters pertaining to juveniles. If an attorney has not yet been appointed when a trial begins, the judge may ask any attorney present to represent the defendant, often resulting in inadequate representation. At times NGOs provided attorneys for vulnerable individuals (minors, refugees, victims of domestic violence), who frequently did not have the means to pay. Access to NGO resources was limited and specific to larger cities.

The law permits defense attorneys to question witnesses and present their own witnesses and evidence, but some judges reportedly denied such defense requests. Several NGOs noted arbitrary limits on defendants' access to case files presented a significant challenge to effective legal representation.

The law forbids judges from admitting confessions made under duress without additional corroborating evidence, but NGOs reported that some defendants were provided confessions to sign without translation. Human Rights Watch (HRW) and local NGOs alleged that judges sometimes decided cases based on forced confessions. NGOs reported the judicial system often relied on confessions for the prosecution of criminal cases, and authorities pressured investigators to obtain a confession from suspects to expedite prosecution.

### **Political Prisoners and Detainees**

There were credible reports of political prisoners or detainees. The government did not consider any prisoners to be political prisoners and stated it had charged or convicted all individuals in prison under criminal law. The criminal law penalizes certain nonviolent advocacy and dissent, such as insulting police in songs or “defaming Morocco’s sacred values” by denouncing the king and regime. NGOs, including the Moroccan Association for Human Rights (AMDH), Amnesty International, and Sahrawi organizations, asserted the government imprisoned persons for political activities or beliefs, using pretextual criminal charges such as espionage or sexual assault.

On February 23, the Casablanca Court of Appeal upheld the five-year sentence of Soulaïmane Raïssouni, journalist and editor in chief of newspaper *Akhbar al-Yaoum*. Raïssouni was arrested in 2020 after an individual claimed on Facebook that Raïssouni sexually assaulted him in 2018. Raïssouni disputed the allegation, and civil society groups and activists asserted his arrest was politically motivated and intended to silence independent journalists. Freedom House asserted in its 2022 *Freedom in the World* report that since 2018 several independent journalists had been prosecuted on what it called “dubious charges of sexual assault or of financial misconduct.” An investigating judge charged Raïssouni with “violent and indecent assault and forced detention” and ordered his detention in Oukacha Prison. Reporters Without Borders described his trial as “tainted by irregularities,”

and his defense lawyers were not permitted even to consult the indictment issued by the investigating judge. Raissouni remained in prison at year's end.

Sahrawi political activists alleged security authorities unlawfully entered their homes to harass, intimidate, and confiscate personal belongings. Some activists alleged security authorities carried out these acts to signal that if their political activities did not stop, harassment and intimidation would increase.

On November 21, the Rabat Court of Appeals upheld the sentence of three years in prison with a fine of 5,000 Moroccan dirhams (\$478) for Mohamed Ziane, former Minister of Human Rights (1995-98), human rights activist, and lawyer. The court ordered Ziane's immediate rearrest. The government prosecuted Ziane on 11 charges, including the insult of a public official, publishing false allegations, defamation, adultery, incitement to violate health provisions, and sexual harassment. Human rights organizations raised concerns that Ziane's arrest and prosecution was politically motivated and reported that 20 police officers arrested Ziane using excessive force while he was praying in his lawyer's office.

## **Transnational Repression**

**Threats, Harassment, Surveillance, and Coercion:** Human rights organizations reported that the government harassed and surveilled human rights activists both inside and outside the country, including using the NSO Group's Pegasus spyware. On May 26, Canada granted refugee status to Zakaria Moumni, a French citizen and former kickboxing world champion, who reported receiving multiple threats that he attributed to the Moroccan security services while living in France; Moumni had been critical of the king and royal institutions such as the kickboxing royal federation. Moumni, a former Moroccan citizen, was incarcerated in Morocco for 18 months between 2010 and 2012 on charges related to involvement in an alleged immigration fraud scheme.

## **Civil Judicial Procedures and Remedies**

Although individuals have access to civil courts for lawsuits relating to human rights violations and had filed lawsuits, NGOs reported that such lawsuits were frequently unsuccessful due to the courts' lack of judicial independence in politically sensitive cases or lack of impartiality stemming from extrajudicial

influence and corruption. The Supreme Judicial Council is tasked with ensuring ethical behavior by judicial personnel. There are administrative as well as judicial remedies for alleged wrongdoing. Authorities sometimes failed to respect court orders in a timely manner.

The Institution of the Mediator (akin to a national ombudsperson) helped resolve civil matters that did not clear the threshold to merit involvement of the judiciary, including cases involving civil society registration issues (see section 2.b., Freedom of Association). The mediator retransmitted to the CNDH for resolution those cases specifically related to allegations of human rights abuses by authorities. The CNDH continued to be a conduit through which citizens expressed complaints regarding human rights abuses.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, but there were reports that the government failed to respect these prohibitions. While the constitution states an individual's home is inviolable and that a search may take place only with a search warrant, authorities at times entered homes without judicial authorization, employed informers, and monitored, without legal process, personal movement and private communications, including email, text messaging, or other digital communications intended to remain private.

NGOs continued to report the use of arbitrary surveillance against human rights activists and journalists, with Freedom House reporting "widespread" use of spyware and surveillance technologies by the government. In a July report, HRW documented physical and electronic surveillance by the government to harass and violate the rights of independent journalists and human rights defenders. According to the report, several individuals concluded that some of the information published about them in the media was sufficiently detailed to have only been obtained through government surveillance.

#### **g. Conflict-related Abuses**

According to the Conduct in UN Field Missions online portal, there was one

allegation of sexual exploitation and abuse, specifically transactional sex, by Moroccan peacekeepers deployed to the UN Multidimensional Integrated Stabilization Mission in the Central African Republic. Investigations by the government and UN Office of Internal Oversight Services into this allegation remained pending at year's end. Five allegations from previous years – two from 2021 and three from 2020 – also were pending. The government did not report final action on two substantiated allegations from 2020 in the UN Organization Stabilization Mission in the Democratic Republic of the Congo concerning sexual exploitation and sexual assault. Additionally, investigations were pending for two 2021 allegations and one 2020 allegation.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law generally provide for freedom of expression, including for the press and other media, although criticism of Islam, the monarchy, or the government's positions regarding territorial integrity and Western Sahara is criminalized. Such criticism can result in prosecution under the penal code, with punishments ranging from fines to imprisonment. The press code, which also provides for freedom of expression, applies only to journalists accredited by the department of communication, under the Ministry of Culture, Youth, and Sports, and only for speech or publications in the line of work; private speech by accredited journalists remains punishable under the penal code, as does journalistic work by individuals to whom the government does not grant accreditation.

According to Freedom House's 2022 *Freedom in the World* report, the press enjoyed a significant degree of freedom when reporting on economic and social policies, but authorities used an array of financial and legal mechanisms to punish critical journalists (see section 1.e., Political Prisoners). Local NGOs also reported that despite press codes intended to prevent the unlawful imprisonment of individuals exercising their freedom of expression, authorities utilized penal codes to punish commentators, activists, and journalists criticizing the government.

**Freedom of Expression:** The law criminalizes criticism of Islam, of the

legitimacy of the monarchy, of state institutions, of government and military officials, and of the government's positions regarding territorial integrity and Western Sahara. The government sometimes prosecuted persons who expressed criticism on these topics. Amnesty International and HRW highlighted numerous cases in which freedom of expression was restricted. Both independent media and government-affiliated media were active and expressed a variety of views within the restrictions of the law. The press code limits punishments for the work of accredited journalists to fines.

The government enforced strict procedures limiting journalists' meetings with NGO representatives and political activists. Foreign journalists were required to request approval from the Ministry of Culture, Youth, and Sports before meeting with political activists, which they did not always receive. There were several reports of arrests and charges based on social media activity. On April 29, Saida El Alami was tried and convicted for social media posts critical of the government's repression of activists and journalists and denouncing her harassment by police, according to Amnesty International. She was charged with contempt of judicial decisions, insulting a constitutional institution, insulting public officials during the exercise of their duties, and publication and dissemination of false facts. A Casablanca court initially sentenced El Alami to two years in prison and 5,000 Moroccan dirhams (\$478), but the appeals court extended her sentence to three years' imprisonment.

The government reported it prosecuted 631 individuals in criminal courts for statements made, declared, or published, including 32 criminal cases against journalists. The government also reported that during the year it suspended six electronic newspapers for what it said was noncompliance with the press and publishing code.

**Violence and Harassment:** Authorities subjected some journalists to harassment and intimidation, including attempts to discredit them through harmful rumors about their personal lives. During the year there were instances where government authorities harassed individuals accused of public criticism of the king, local authorities, or Islam. The government did not provide information on how many individuals were specifically charged for criminal speech, including defamation, slander, and insult (see Libel/Slander Laws and National Security).

Journalists reported that selective prosecutions served as a mechanism for intimidation. A July HRW report detailed persistent harassment of journalists, including Omar Radi, who was arrested and convicted in 2021 for espionage and rape. The Clooney Foundation for Justice reported the trial “bore the hallmarks of an unfair process, with the court denying Radi the opportunity to present evidence in his defense without justification.” On March 3, the Casablanca Appeals Court denied Radi’s appeal of his six-year sentence. HRW asserted Radi, an investigative journalist, had been “detained, tried, and convicted for a tweet, had spyware intrusion on his smartphone, experienced a pervasive defamation campaign against him by state-aligned media, and suffered a suspicious physical assault that the police, despite their promises, showed no sign of having ever investigated.” At year’s end, Radi remained in prison. International and local NGOs continued to raise concerns regarding the lack of fair trial guarantees afforded to Radi.

Journalists continued to denounce cumbersome administrative procedures and the long wait times to receive accreditation under the press code. Some members of the press claimed that journalists from progovernment outlets received credentials faster than journalists from independent outlets. They noted that journalists waiting for credentials had to operate in an ambiguous legal status, without press code protections available only to accredited journalists. Many contributors working for online news outlets and many online news outlets themselves were unaccredited and therefore not covered under the press code for their publications. They remained subject to provisions of the antiterrorism law and the penal code that permit the government to jail and impose financial penalties on anyone who violates restrictions related to defamation, libel, and insults.

According to an October 3 report submitted by the UN secretary-general pursuant to the UN Mission for the Referendum in Western Sahara (MINURSO) mandate, OHCHR remained concerned by reports of undue restrictions imposed by the government on the rights to freedom of expression and excessive surveillance of human rights defenders and journalists in Western Sahara. The report added that OHCHR continued to receive reports of harassment, expulsion, and denied entry of human rights defenders covering human rights violations.

### **Censorship or Content Restrictions for Members of the Press and Other**



**Media, Including Online Media:** Self-censorship and government restrictions on sensitive topics remained serious hurdles to the development of a free, independent, and investigative press. Publications and broadcast media require government accreditation, and the government may deny and revoke accreditation as well as suspend or confiscate publications that breach public order or criticize Islam, the institution of the monarchy, or the government's positions on territorial integrity. While the government rarely censored the domestic press, it exerted pressure through written and verbal warnings and by pursuing legal cases that resulted in heavy fines and suspended publication. Such cases encouraged editors and journalists to self-censor and host opposition news sites on servers outside the country to avoid being shut down by the authorities. According to Freedom House's 2022 report, "arrests of journalists, bloggers, and activists for critical speech serve as a deterrent to uninhibited debate among the broader population."

**Libel/Slander Laws:** The press code includes provisions that permit the government to impose financial penalties on accredited journalists and publishers who violate restrictions related to defamation, libel, and insults, and the government enforced these provisions. Individuals not registered as journalists may be charged with defamation, libel, and slander under the criminal code, as may accredited journalists for their private actions.

In July 2021 the government filed lawsuits in France against Amnesty International and the French media organization Forbidden Stories for defamation and spreading false news, following a report that the government used Pegasus spyware developed by the Israeli company NSO Group to monitor dissidents, human rights activists, and other high-profile individuals. The French court dismissed the charges in April, and the government indicated it would seek an appeal but had not filed an appeal by year's end.

**National Security:** Authorities used counterterrorism and national security laws to arrest or punish critics of the government or deter criticism of government policies or officials (see the case of Maati Monjib in section 2.d., Foreign Travel). The antiterrorism law permits the arrest of individuals, including journalists, and blocking websites deemed to "disrupt public order by intimidation, terror, or violence." The law assigns legal liability to the author and anyone who in any way helps the author to disseminate information the government deems to be

justification for acts of terrorism, which would include website owners and internet service providers. Although the stated purpose of the law was to combat terrorism, authorities retain discretion to define terms such as “national security” and “public order,” and under the penal code the government can seek fines of up to 200,000 Moroccan dirhams (\$19,100) for publishing content online seen as disruptive to public order, with the maximum fine of 500,000 Moroccan dirhams (\$47,900) if the content offends the military. Online speech offenses related to the monarchy, Islam, and Western Sahara, as well as threats to national security, can carry prison sentences of two to six years.

### **Internet Freedom**

The government disrupted access to the internet, and there were credible reports that the government monitored private online communications without appropriate legal authority (see section 1.f.). The press code stipulates that online journalism is equivalent to print journalism. Laws on combatting terrorism permit the government to block websites. The government repeatedly warned online journalists to obey the law, leading to self-censorship due to a credible fear of reprisals by the government. The government also prosecuted individuals for expressing certain ideological views online.

### **Restrictions on Academic Freedom and Cultural Events**

The law criminalizes questioning the legitimacy of Islam, the monarchy, or state institutions, and the status of Western Sahara. The law restricts cultural events and academic activities, although the government generally provided more latitude to political and religious activism confined to university campuses. The Ministry of Interior approves appointments of university rectors.

## **b. Freedoms of Peaceful Assembly and Association**

The government limited freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The law provides for the right of peaceful assembly with limits. The government generally allowed authorized and unauthorized peaceful demonstrations to occur,

but the law requires groups of more than three persons to obtain authorization from the Ministry of Interior to protest publicly. Several NGOs complained that the government used administrative delays and other methods to suppress or discourage unwanted peaceful assembly. Security forces intervened on occasion to disband both authorized and unauthorized protests when officials deemed the demonstration a threat to public security. Amnesty International and Transparency International reported continued arbitrary restrictions on the rights to freedom of peaceful assembly and association, particularly of individuals supporting independence for Western Sahara. A health state of emergency remained in place allowed authorities to limit assembly and association.

Several proindependence organizations and human rights NGOs in Western Sahara stated that in recent years the submission of applications for permits to hold demonstrations declined because police rarely granted them. In most cases organizers proceeded with planned demonstrations in the absence of authorization, and there was no discernible difference in security forces' reaction to authorized or unauthorized protests. Security force practices in Western Sahara were similar to those in Morocco; however, in Western Sahara there often was a higher ratio of members of security forces to protesters.

While most protests proceeded peacefully, on several occasions violence erupted between protesters and police. On March 2, hundreds of teachers protested in Rabat against temporary contracts. Local media reported the protests turned into clashes with police who were dispatched to disperse the demonstrators.

Security forces were generally present both in and out of uniform at protests, particularly if the protest was expected to address a sensitive issue. In general, officers were under orders to observe and not intervene, unless the demonstration became unruly, threatening to bystanders, or overflowed into public highways. In those cases, under standard operating procedures, officers were required to give the crowd three warnings that force would be used if they did not disperse. Security forces would then attempt to force protesters to leave the area, using riot shields to push standing protesters into a designated area or carrying seated protesters to the designated area.

Security force tactics did not differ significantly whether the protest was authorized

or unauthorized, although the decision on whether to intervene sometimes depended on whether the protest was authorized. According to the government, if officers intervened in a protest, a police judiciary officer not involved in the intervention and under the supervision of the attorney general must produce a statement documenting the circumstances of the case, the number of victims, and the material damage due to the operation. The police judiciary officer must address the statement to the Attorney General's Office with a copy to the governor of the territorial jurisdiction where the incident transpired. The CNDH organized training on human rights-based methods to manage crowds throughout the year.

In April 2021 a teacher reported she was the subject of verbal, physical, and sexual harassment by an officer while in police custody for 48 hours after participating in a teachers' demonstration outside the parliament and Education Ministry. Widely shared videos of the arrests showed the teacher being dragged to the ground by several police officers. Government authorities charged the teacher with "assault and battery against members of the security forces," "participation in an unauthorized demonstration," and "insulting a constituted body"; other protesters faced similar charges. On March 10, the Rabat Court of First Instance sentenced 44 protesters from the April 2021 demonstration to two months of suspended prison sentences and a fine of 1,000 Moroccan dirhams (\$96) each for violation of the state of health emergency, assault and battery, and insults against members of the forces of order, as well as participation in an unauthorized demonstration (see section 2.b.). The teacher who reported police harassment received a nonsuspended sentence of three months. She was the only demonstrator from the incident to serve time in prison.

## **Freedom of Association**

The constitution and the law provide for freedom of association, although the government sometimes restricted this freedom. The government prohibited or failed to recognize some political opposition groups by deeming them unqualified for NGO status. The government was often more tolerant of labor unions (see section 7). While the government does not restrict the source of funding for NGOs operating in the country, NGOs that receive funding from foreign sources are required to report the amount and its origins to the government within 30 days from the date of receipt. The government denied official recognition to NGOs it

considered to be advocating against Islam as the state religion or questioning the legitimacy of the monarchy or the country's territorial integrity. Authorities obstructed the registration of some associations perceived to be critical of the authorities by refusing to accept their registration applications or to deliver receipts confirming the filing of applications (see section 5).

Authorities routinely rejected the registration applications of Sahrawi human rights groups. According to Amnesty International, Sahrawi human rights activists remained subject to intimidation, questioning, arrest, and intense surveillance that occasionally amounted to harassment.

The Ministry of Interior required NGOs to register before being recognized as legal entities, but there was no comprehensive national registry publicly available. A prospective organization must submit its objectives, bylaws, address, and photocopies of members' identification cards to local officials of the ministry. The local officials of the ministry issue a receipt to the organization that signifies formal approval. Organizations without receipts are not formally registered. According to the law, however, any association not denied registration and that did not receive a receipt within 60 days of submitting the required documentation has the right to engage in activities. These same organizations reported extended delays in receiving correspondence from the ministry on the receipt issue.

Unregistered organizations could not access government funds or legally accept contributions. The organizations stated local officials' refusal to issue receipts was a violation of the law that governs the right of association. One of the organizations, the Moroccan Association of Human Rights, reported the ministry had refused to issue it a registration receipt for the last seven years.

The Justice and Charity Organization, a Sunni Islamist movement that rejects the king's spiritual authority, remained banned but largely tolerated, although authorities continued to monitor its activities.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, although it limited movement to areas experiencing widespread unrest. The government continued to make travel documents available to Sahrawis to travel and encouraged the return of Sahrawi refugees from Algeria and elsewhere if they acknowledged the government's sovereignty over Western Sahara. Refugees wishing to return are required to obtain the appropriate travel or identity documents at a Moroccan consulate abroad, often in Mauritania.

Sahrawi rights and independence activist Sultana Khaya had been under what international human rights organizations called “de facto” house arrest since 2020 for her activism, but media reported that as of June Khaya had departed the country. Previously, she accused security services of abuse, including sexual assault, destruction of her property, and other claims. On April 16, Sahrawi rights groups issued a press release alleging that security forces attacked five women who had visited Khaya's home (see section 1.c.).

**Foreign Travel:** NGOs reported authorities can restrict foreign travel with a judicial order lasting up to two months, which can be renewed up to five times (allowing for a “travel ban” of up to one year). In practice authorities were able to prohibit foreign travel for even longer periods. In January 2021 a court sentenced human rights defender and academic Maati Monjib to one year in prison and a fine for charges of fraud and endangering national security after authorities arrested him in 2020. The charges dated back to 2015. In March 2021 authorities released Monjib after he carried out a hunger strike pending his appeals hearing. In October 2021 Monjib attempted to leave the country for medical treatment but was denied boarding a flight. The prosecutor of the Rabat Court of First Instance stated that the terms of Monjib's provisional release did not allow him to leave the country. As of December, Monjib remained under a travel ban, which NGOs argued exceeded the one year allowed, while the government indicated that it had a legal basis to prohibit Monjib's travel while his legal appeal remained pending.

## **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern. The government also provided funding to humanitarian organizations to provide social services to migrants, including refugees.

The government has historically deferred to UNHCR as the sole agency in the country entitled to perform refugee status determinations and verify asylum cases. UNHCR referred cases that meet the criteria for refugee recognition to the government's interministerial Commission in Charge of Hearings for Asylum Seekers within the Bureau of Refugees and Stateless Persons.

**Access to Asylum:** The law provides for the granting of refugee status. The government recognizes asylum status for refugees designated according to the UNHCR statute. The government continued to grant status to UNHCR-recognized refugees and temporary status to registered Syrians.

**Refoulement:** In December 2021 the Court of Cassation approved the extradition to the People's Republic of China (PRC) of Uyghur journalist Yidiyesi Aishan, who was arrested upon his arrival in the country in July 2021, based on a 2017 INTERPOL Red Notice issued at the request of China. Interpol had cancelled the Red Notice in August 2021, prior to Aishan's arrest. Reporters without Borders and other human rights NGOs reported that the notice was a politically motivated instance of transnational repression targeting a perceived dissident. Authorities halted his extradition at the request of UN Committee Against Torture while it investigated. At year's end, Aishan remained in detention pending a PRC extradition request.

**Abuse of Migrants and Refugees:** Refugees, asylum seekers, and migrants were particularly vulnerable to abuse. Authorities continued cooperation with Spanish and EU authorities to thwart trafficking networks and arrest smugglers.

Local and international organizations reported receiving complaints regarding the rights of migrants. NGOs reported government security forces used excessive force in arresting or detaining irregular migrants in the north of the country to

forcibly relocate them away from the Spanish enclaves of Melilla and Ceuta to deter attempts to cross illegally into the European Union. Additionally, local and international organization received reports of security forces physically assaulting irregular migrants during these forced relocations south or to the Algerian border.

On June 24, nearly 1,500 migrants attempted to cross the border to the Spanish enclave of Melilla. Human rights organizations asserted that Spanish and Moroccan security forces used excessive force to prevent them from crossing the border. MENA Rights Group reported that videos of the incident showed Moroccan security forces beating men who were visibly injured. Official sources stated 23 persons died, and nongovernment sources estimated at least 37 individuals died. Human rights organizations accused the Moroccan government of organizing collective burials without autopsies or identification of remains and called for an investigation. Human rights organizations and the African Union called for an investigation into the excessive use of force. On December 13, Amnesty International reported the victims were met with “prolonged and unlawful use of force by Moroccan and Spanish security forces” and asserted “this violence, along with a failure to provide timely medical assistance, contributed to – if not directly caused – their deaths and injuries.” Amnesty International stated that in November the organization provided its findings to the government but received no response.

**Employment:** Refugees and migrants with residency permits and work authorization may enter the formal labor market; however, documentation requirements and yearly renewals mean many who meet the criteria were unable to obtain legal authorization to work (see section 7 d.).

**Access to Basic Services:** Migrants, asylum seekers, and refugees have equal access under the law to justice and public services, including health and education. Nonetheless, sometimes they were unable to access the national health care system and continued to have little access to the judicial system until recognized as refugees. Additionally, migrants without a residency permit had difficulty receiving vaccinations because they were required to provide proof of residency and a valid form of identification. Many irregular migrants found it difficult or costly to obtain a valid form of identification and documents showing where they resided in the country.



The law prohibits housing migrants who entered the country irregularly, leaving them vulnerable to exploitation, abuse, and eviction.

**Durable Solutions:** The government facilitated voluntary migrant returns with the support of the International Organization for Migration. The government maintained that the return of third-country nationals to their country of origin was coordinated with diplomatic legations that endorsed these departures and issued the appropriate papers. In addition to the voluntary returns, NGOs reported cases of security forces expelling irregular migrants across the border to Algeria.

**Temporary Protection:** The government also provided temporary protection to individuals who may not qualify as refugees; however, the government did not provide information on how many individuals received temporary protection. Syrians and Yemenis benefited from “exceptional regularization” outside the usual UNHCR asylum process.

### **Section 3. Freedom to Participate in the Political Process**

The country is a constitutional monarchy under which ultimate authority rests with King Mohammed VI, who presides over the Council of Ministers. The king shares executive authority with the head of government, whom the king appoints from the political party with the most seats in parliament. The king also approves members of the government nominated by the head of government.

The law provides for, and citizens participated in, free and fair periodic elections held by secret ballot and based on universal and equal suffrage for parliament’s Chamber of Representatives (the lower house of parliament) and municipal and regional councils. Regional and professional bodies indirectly elect members of parliament’s less powerful Chamber of Counselors.

#### **Elections and Political Participation**

**Recent Elections:** In September 2021 the country held local, regional, and parliamentary elections for the Chamber of Representatives. Although there were allegations of vote buying and candidate intimidation, domestic and international observers considered the elections generally free, fair, and transparent.

**Political Parties and Political Participation:** A political party may not legally challenge Islam as the state religion, the institution of the monarchy, or the country's territorial integrity. The law prohibits basing a party on a religious, ethnic, or regional identity.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively. There were recurring reports of government corruption.

**Corruption:** Observers generally considered corruption a persistent problem, with insufficient governmental checks and balances to reduce its occurrence and local media reported that corruption continued to hamper the country's development. Per the Arab Barometer, 72 percent of citizens viewed corruption as prevalent in state institutions and agencies.

On December 20, the Fez Court of Appeal sentenced former parliamentarian Rachid El Fayek to six years in prison and a fine of one million Moroccan dirhams (\$95,800) for corruption and embezzlement of public money. His brother Jaouad El Fayek, president of the prefectural council in Fez, was sentenced to three years in prison and a fine of 50,000 Moroccan dirhams (\$4,790) for influence peddling and illegal transfer of land. The brothers were among six persons under investigation for misusing public resources, taking bribes, issuing official documents, and constructing housing units in hereditary lands belonging to private entities, according to local media. Rachid and Jaouad El Fayak were members of the country's ruling National Rally of Independents (RNI) party at the time of their arrest, but the party suspended their membership.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human**

## Rights

A variety of domestic and international human rights groups investigated and published findings on human rights cases; however, the government's responsiveness to, cooperation with, and restrictions on domestic and international human rights organizations varied, depending on its evaluation of the political orientation of the organization and the sensitivity of the issues.

HRW reported in its 2022 World Report that authorities continued to impede the work of the AMDH, the country's largest independent human rights group. The organization regularly faced difficulties renewing the registration of its offices, which impeded its ability to carry out basic functions. Additionally, lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) groups indicated that often their groups found it difficult to register.

During the year activists and NGOs reported continuing restrictions on their activities in the country (see section 2.b, Freedom of Association). According to the government, registered organizations were authorized to meet within their established headquarters, but any meetings outside that space, including privately owned establishments and homes, were public spaces and required authorization from the Ministry of Interior. Organizations stated that government officials told them their events were canceled for failing to follow required procedures for public meetings, although the organizations claimed to have submitted the necessary paperwork or believed the law did not require it.

**The United Nations or Other International Bodies:** An October 3 report regarding the situation in Western Sahara, submitted by the UN secretary-general pursuant to the MINURSO mandate, noted that OHCHR was not permitted to conduct any visits to the region for the seventh consecutive year and urged the state and other parties to address outstanding human rights problems and enhance cooperation with OHCHR.

The country was elected to the UN Human Rights Council (UNHRC) in October for three years beginning January 1, 2023; however, the government does not issue standing invitations to UN special procedure mandate holders. The government also continued to postpone or fail to answer requested visits from the UN special

rapporteurs on disability (pending since 2015), and the UN Working Group on Arbitrary Detention (pending since 2018).

**Government Human Rights Bodies:** The CNDH is a national human rights institution established by the constitution that operates independently from the elected government. It is publicly funded and operates in conformity with the Paris Principles, according to the Global Alliance of National Human Rights Institutions, which sets the minimum standards that national human rights institutions must meet to be considered credible. The CNDH filled the role of a national human rights monitoring mechanism for preventing torture. It oversees the National Human Rights Training Institute, which collaborated with international organizations to provide training to civil society, media, law enforcement, medical personnel, educators, and legal practitioners.

Via regional offices in Dakhla and Laayoune, the CNDH continued a range of activities in Western Sahara, including monitoring demonstrations, visiting prisons and medical centers, and organizing capacity-building activities for various government and NGO stakeholders. It also maintained contact with unregistered NGOs and occasionally investigated cases raised by them, especially those that drew attention on the internet or in international media.

The Institution of the Mediator acted as a general ombudsperson. It considered allegations of governmental injustices and has the power to carry out inquiries and investigations, propose disciplinary action, and refer cases to the public prosecutor.

The mission of the Interministerial Delegation for Human Rights (DIDH), which reports to the minister of justice, is to promote the protection of human rights across all ministries, serve as a government interlocutor with domestic and international NGOs, and interact with relevant UN bodies regarding international human rights obligations. The DIDH coordinated government responses to UN bodies on adherence to treaty obligations and served as the principal advisory body to the king and government on human rights.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** The law punishes individuals convicted of rape with prison terms of five to 10 years; when the conviction involves a minor, the prison sentence ranges from 10 to 20 years. Spousal rape is not a separately enumerated crime, and therefore individuals cannot be charged with it. In practice, however, there were instances where spousal rape was subsumed within a different charge, such as “assault and battery” or a related enumerated crime, and the rape was considered as an aspect of that crime, allowing for prosecution. A sexual assault conviction may result in a prison sentence of six months to five years and a fine. The law requires the DGSN, Prosecutor General’s Office, Supreme Judicial Court, and Ministries of Health, Youth, and Women to have specialized units that coordinate with one another on cases involving gender-based violence. These specialized units receive and process cases of gender-based violence and provide psychological support and other services to victims. Several NGOs provided hotlines, shelter, resources, guidance, and legal support to survivors of domestic violence. There were reports, however, that these shelters were not accessible to persons with disabilities.

Courts maintained “victims of abuse cells” that brought together prosecutors, lawyers, judges, women’s NGO representatives, and hospital personnel to review domestic abuse cases, including child abuse, to provide for the best interests of women or children.

According to local NGOs, survivors did not report most sexual assaults to police, due to social pressure and the concern that society would most likely hold the survivors responsible rather than the perpetrators. Some sexual assault survivors also reported police officers at times turned them away from filing a police report or coerced them to pay a bribe to file the report by threatening to charge them with consensual sex outside of marriage, a crime punishable with up to one year in prison. Police selectively investigated cases; among the minority brought to trial, successful prosecutions were rare.

The law provides penalties for violence against women and requires certain

government agencies to establish units to provide psychological support and other services to victims of gender-based violence. NGOs reported that the law does not sufficiently define the government's role in providing services to victims, many of which fell to NGOs to provide. Additionally, an NGO reported the majority of women in prison were being held for acts of self-defense.

The law does not specifically define domestic violence against women and minors, but the general prohibitions of the criminal code address such violence. Legally, high-level violent misdemeanors occur when a survivor's injuries result in 20 days of disability leave from work. Low-level violent misdemeanors occur when a survivor's disability lasts for less than 20 days. According to NGOs, the courts rarely prosecuted perpetrators of low-level violent misdemeanors. Police were slow to act in domestic violence cases, and the government generally did not enforce the law and sometimes returned women against their will to abusive homes. Police generally treated domestic violence as a social rather than a criminal matter. Physical abuse was legal grounds for divorce, although few women reported such abuse to authorities.

On October 5, Regional Brigade of the Judicial Police in Fez opened an investigation into a police commissioner accused of sexually assaulting a minor, according to local media. In a public statement, the DGSN stated security services responded "quickly and seriously" to a complaint by the victim's father. The complaint said the officer assaulted the minor when she was filing a complaint against a neighbor. There was no information available on the outcome of the investigation.

**Sexual Harassment:** Sexual harassment is a crime punishable by up to six months in prison and a fine up to 10,000 Moroccan dirhams (\$958) if the offense takes place in a public space or by insinuations through texts, audio recording, or pictures. For insults and defamation based on gender, an individual may be fined up to 60,000 Moroccan dirhams for insults and up to 120,000 Moroccan dirhams for defamation (\$5,750 to \$11,500). General insult and defamation charges remain in the penal code. In cases where the harasser is a coworker, supervisor, or security official, the sentence is doubled. Prison sentences and fines are also doubled in cases where a spouse, former spouse, engaged partner, or a family member commits harassment, physical violence, abuse, or mistreatment, or breaks

a restraining order, or if the victim is a minor. Civil society leaders stated they did not observe efforts by the government to enforce the law or provide training on the law for judicial or law enforcement officials.

Women university students reported in the 2021-22 academic year that professors demanded sexual favors in return for good grades, including at the National School of Commerce and Management in Oujda, the King Fahd Institute of Translation in Tanger, and the Faculty of Settat. One university teacher was sentenced to two years in prison and four others were also sentenced for sexual harassment. According to local media, dozens of other sexual harassment cases on campuses were reported, and various universities set up toll-free hotlines and support units.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Individuals and couples have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. Authorities generally did not discriminate against women in accessing sexual and reproductive health care, including for sexually transmitted infections. Contraception is legal, and most forms were widely available. According to the Population Reference Bureau, the country has invested in increasing the availability of voluntary family planning services, expanding and improving maternal health care, and providing for access to obstetric care by eliminating fees. There is a disparity between rural and urban women with regard to access to health services. Socioeconomic status also played part regarding access to health services.

The contraceptive pill was available over the counter, without a prescription. Skilled health attendance at delivery and postpartum care were available for women who could afford it, with approximately 75 percent of overall births attended by skilled health personnel. In October, following the death of a girl, age 14, during a clandestine abortion, media outlet *Le Monde* reported deadly illegal abortions were on the rise. The Moroccan Organization against Clandestine Abortion estimated between 600 and 800 clandestine abortions occurred each year and noted there were limited services available for the management of

complications arising from abortion.

**Discrimination:** While the constitution guarantees women the same rights and protections as men in civil, political, economic, cultural, and environmental affairs, laws favor men in property and inheritance. Despite antidiscrimination laws provided by the constitution, women as a whole group consistently face legal inequities. Without legal protections and enforcement of these rights, societal discrimination persisted. Long-standing traditions continued to dictate preferential access to education, health care, and other social services to citizens and certain legal residents when factoring in race, class, sexuality, religion, and disability. Women with physical and mental disabilities can be excluded from education and aid. Whether documented or undocumented, non-Muslim sub-Saharan migrants and refugees are subject to further discrimination. Restrictive laws remained a widespread threat to LGBTQI+ persons' security.

According to the law, women are entitled to a share of inherited property, but a woman's share of inheritance is generally half of what a man would receive. A sole male heir would receive the entire estate, while a sole female heir would receive one-half the estate with the rest going to other relatives.

The family code places the family under the joint responsibility of both spouses, makes divorce available by mutual consent, and places legal limits on polygamy. Implementation of family law reforms remained a problem.

The law requires equal pay for equal work, although in practice this often did not occur.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law provides for the protection of members of racial or ethnic minority groups against violence and discrimination. The government enforced the law effectively.

In August, Arab Barometer, a nonpartisan research organization, reported a third of respondents from the country said they were the targets of racist comments at least once. The survey found 43 percent of citizens recognize anti-Black racism as a problem in the country. In March, Minority Rights Group International reported "Black Moroccans as well as Black sub-Saharan African migrants and refugees



continue to suffer from discrimination and violence on the basis of their skin color, national origin, nationality or lack thereof, and/or immigration status.”

## **Indigenous Peoples**

The Amazigh are an indigenous people of North Africa. The majority of the population, including some members of the royal family, claimed some Amazigh heritage. Many of the poorest regions in the country, particularly the rural Middle Atlas region, were predominantly Amazigh and had illiteracy rates higher than the national average. Basic governmental services in this region were lacking, and it remained underdeveloped.

Amazigh cultural groups contended they were rapidly losing their traditions and language to cultural dominance of the Arabic language and culture. Amazigh materials were available in news media and, to a much lesser extent, educational institutions. The government provided television programs in the three national Amazigh dialects of Tarifit, Tashelhit, and Tamazight. According to regulations, public media are required to dedicate 30 percent of broadcast time to Amazigh language and cultural programming. Media reported that on April 11, parliament started using simultaneous interpretation into the Amazigh language during its sessions, for the first time in the country's history. The 2023 Finance Bill included an allocation of 300 million Moroccan dirhams (\$27.5 million) to the Ministry of Digital Transition and Administrative Reform to accelerate the integration of the Amazigh language in public administrations.

## **Children**

**Birth Registration:** The law permits both parents to pass nationality to their children. The law establishes that all children have civil status regardless of their family status. There were, nonetheless, cases in which authorities denied identification papers to children because they were born to unmarried parents, particularly in rural areas or in the cases of poorly educated mothers unaware of their legal rights.

**Education:** Education is free and compulsory from age six to 15. The government offered Tamazight language classes in some schools. Although the

palace-funded Royal Institute of Amazigh Culture created a university-level teacher training program to address the shortage of qualified teachers, Amazigh NGOs contended that the number of qualified teachers of regional dialects of Amazigh languages continued to decrease. The government reported, however, that the number of teachers employed to teach the official national Amazigh language had increased. Instruction in the Amazigh language is mandatory for students at the Ministry of Interior's School for Administrators.

**Child Abuse:** The law prohibits child abuse. NGOs, human rights groups, media outlets, and UNICEF claimed child abuse was widespread. Prosecutions for child abuse were extremely rare. Media reported in 2021 that there were 961 cases of child abuse, of which 405 were cases of sexual abuse. Some children's rights NGOs expressed concerns regarding the lack of legislation to prosecute cases involving incest.

In May a video on social media showed a girl, age six, describing the abuse she suffered at the hand of her mother. Media reported that authorities opened an investigation in response to the video. Police visited the girl's house and found her locked in a room with apparent evidence of abuse on her body. Police arrested the mother, and the girl was taken to the hospital to be treated for her injuries. There was no information available on the outcome of the case at year's end.

**Child, Early, and Forced Marriage:** The legal age for marriage is 18, but parents may secure a waiver from a judge for underage marriage. As of August, the majority of applications were granted. The government maintained a national awareness-raising campaign against the marriage of minors.

**Sexual Exploitation of Children:** The age of consent is 18. The law prohibits commercial sexual exploitation, sale, offering or procuring commercial sex, and practices related to child pornography. Penalties for sexual exploitation of children under the criminal code range from two years to life imprisonment and monetary fines.

## **Antisemitism**

The constitution recognizes the Jewish community as part of the country's population and guarantees everyone the freedom to "practice his religious affairs."

Community leaders estimated the size of the Jewish population at 3,500. Overall, there appeared to be little overt antisemitism, and the Jewish community generally lived in safety.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** The law criminalizes consensual same-sex sexual activity, with a maximum sentence of three years in prison for convictions. According to the government, through October the state prosecuted 283 individuals for same-sex sexual activity. Activists noted that police used the law to harass individuals profiled for gender expression. According to NGOs, individuals attracting attention from police by their appearance could be searched, and innocuous items, such as a condom, could be used as evidence of a violation.

**Violence against LGBTQI+ Persons:** According to some human rights organizations, LGBTQI+ victims of violence in high-profile cases from previous years continued to be harassed when recognized in public. In October Pan Africa ILGA (PAI), the African regional organization of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, reported “criminalization and a lack of legal protection leave LGBTQI+ persons highly vulnerable and without access to proper recourse or redress.” PAI further stated that the laws also served “to perpetuate societal prejudice against them, fueling harassment, discrimination and violence.” Many LGBTQI+ persons were not comfortable reporting problems to police because LGBTQI+ activity is illegal. The degree of helpfulness from police in responding to an incident appeared to stem mostly from a police officer’s personal feelings regarding the LGBTQI+ community. Media reported individuals within the LGBTQI+ community were subjected to violence because of their sexual orientation or gender identity.

On November 12, Tangier's judicial police arrested an adult and three minors after a widely circulated video showed them beating a transgender woman. The attackers reportedly used homophobic slurs during the attack based on the victim's attire. Independent media Yabiladi commented that the images were very violent. After their arrest, the adult was taken into custody, while the three minors were placed under police surveillance. The adult was later charged for assault and violence in a public space and given a prison sentence of four months.

**Discrimination:** The law does not prohibit discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics and does not recognize LGBTQI+ individuals, couples, and their families. There was a stigma against LGBTQI+ persons, including some reports of overt discrimination based on sexual orientation or gender identity in employment, housing, and health care.

**Availability of Legal Gender Recognition:** Legal gender recognition is not available.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** NGOs reported that police officers sometimes spoke with the parents of LGBTQI+ persons in an attempt to coerce LGBTQI+ persons to change, or simply not express, their sexual orientation, gender identity, or gender expression. There were also reports of parents forcing lesbian or bisexual daughters to marry men and live as heterosexuals.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** Media and the public addressed questions of sexuality, sexual orientation, and gender identity commensurate with previous years. NGOs identified registration problems as a primary obstacle for LGBTQI+ organizations, as registration provides access to funding and allows legal operation. For groups that had attempted to register, they described significant time and energy required, as well as the safety concerns in running an LGBTQI+ organization in a country where their "existence is criminalized" and they receive "courtesy visits" from officials.

## **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities in employment,

education, and access to health care. The law also provides for regulations and building codes that provide for access for persons with disabilities. In general, the government did not effectively enforce or implement these laws and regulations. While building codes enacted in 2003 require accessibility for all persons, the codes exempt most pre-2003 structures, and authorities rarely enforced them for new construction. Most public transportation was inaccessible to persons with disabilities, although the national rail system offered wheelchair ramps, accessible bathrooms, and special seating areas. Although government policy provides that persons with disabilities should have equal access to information and communications, special communication devices for persons with visual or audio disabilities were not widely available. Coordination among government ministries remained a problem to persons with disabilities receiving access to services.

The Ministry of Family, Solidarity, Equality, and Social Development has responsibility for protecting the rights of persons with disabilities and attempted to integrate persons with disabilities into society by implementing a quota of 7 percent for persons with disabilities in vocational training in the public sector and 5 percent in the private sector. Both sectors were far from achieving the quotas. The government maintained more than 400 integrated classes for children with learning disabilities, but private charities and civil society organizations were primarily responsible for integration.

## **Other Societal Violence or Discrimination**

Persons with HIV and AIDS faced discrimination and had limited treatment options. UNAIDS reported that some health-care providers were reluctant to treat persons with HIV and AIDS due to fear of infection. The *National Strategic Plan 2017-2021* committed the country to reduce new infections among key and vulnerable populations, eliminate mother-to-child transmission of HIV, reduce AIDS-related deaths, confront discrimination, and strengthen governance for an efficient response. Although an NGO reported the overall objectives in the National Strategic Plan were achieved, the testing campaigns for affected individuals were delayed because of COVID-19. As a result, the plan was extended to 2023.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution provides for the right of workers to form and join unions, strike, and bargain collectively, with some restrictions. The law prohibits certain categories of government employees, including members of the armed forces, police, and some members of the judiciary, from forming and joining unions and from conducting strikes. The law excludes migrant workers from assuming leadership positions in unions. The labor code does not fully cover domestic workers or agricultural workers.

The law prohibits antiunion discrimination and prohibits companies from dismissing workers for participating in legitimate union-organizing activities. Courts have the authority to reinstate workers dismissed arbitrarily and may enforce rulings that compel employers to pay damages and back pay. Trade unions complained that the government at times used the penal code to prosecute workers for striking and to suppress strikes. The law gives the government power to unilaterally dissolve or deregister unions.

The government generally respected freedom of association for labor unions and the right to collective bargaining. Employers limited the scope of collective bargaining, frequently setting wages unilaterally for most unionized and nonunionized workers. The law allows independent unions to exist but limits collective bargaining rights to those representing 35 percent or more of the workforce within an enterprise. Unions may legally negotiate with the government on national-level labor issues. At the sectoral level, trade unions negotiated with private employers concerning minimum wage, compensation, and other concerns. Labor disputes were common and, in some cases, resulted from employers failing to implement collective bargaining agreements and withholding wages. Penalties were sometimes applied against violators.

The law concerning strikes requires compulsory arbitration of disputes, prohibits sit-ins, and calls for a 10-day notice of a strike. The government may intervene in strikes by choosing to criminalize them. A strike may not occur regarding matters covered in a collective contract for one year after the contract commences. The

government has the authority to disperse strikers in public areas not authorized for demonstrations and to prevent the unauthorized occupancy of private space. Unions may neither engage in sabotage nor prevent individuals not on strike from working.

Most union federations were affiliated with political parties, but unions were generally free from government interference.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits and criminalizes all forms of forced or compulsory labor and establishes penalties of five to 10 years' imprisonment and a fine for offenses involving adult victims, and 20 to 30 years' imprisonment and a fine for those involving child victims. Penalties were commensurate with those prescribed for analogous serious crimes, such as rape or kidnapping. The government effectively enforced the law. The domestic workers law provides some protections to domestic workers. Reports indicated that forced labor, especially of children, occurred.

For more information, see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

## **d. Discrimination with Respect to Employment and Occupation**

The labor code prohibits discrimination against persons in employment and occupation based on race, religion, national origin, color, sex, ethnicity, or disability, including physical, sensory, intellectual, and mental disability. The law does not address age, pregnancy, HIV status, gender identity, or sexual orientation. Discrimination occurred despite legal protections. Penalties were not commensurate to laws related to civil rights, such as election interference. Penalties were sometimes applied against violators.

The law requires equal pay for equal work, although in practice this often did not occur. Women are prohibited from working in occupations that present a risk of excessive danger, exceeds their capacity, or is likely to undermine their morality, such as jobs in quarries and underground in mines, or engaging in work that exposes them to the risk of falling or slipping as well as work in a constant squatting or leaning position, work or activities using asbestos and benzene and any other activity exposing them to dangerous chemical agents. Seventy-four percent of women were homemakers. The overall unemployment rate for women was 16.8 percent, compared to 10.9 percent for men. Women on average earned 30 percent less than men.

LGBTQI+ persons faced discrimination in employment and occupation (see section 6).

The public sector has a quota for works with disabilities; however, the private sector does not. Migrant worker organizations reported that some migrants, particularly those from sub-Saharan African countries, experienced discrimination in hiring, wages, or conditions of employment. These workers often reported employer noncompliance with low or unpaid wages, excessive hours of work, restricted movement, and dangerous and difficult work conditions. Even after obtaining a residence card, their vulnerability was reinforced by lack of access to the formal economy, pushing them to the margins of society, compounding their problems. Many lived in crowded rooms in dilapidated neighborhoods, while others slept on the streets, in cemeteries, and forests.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The minimum wage was above the poverty line. The law provides for a 44- to 48-hour maximum workweek with no more than 10 hours' work in a single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including limitations on night work for women and minors. The law prohibits excessive overtime; however, many employers did not observe the legal provisions regulating conditions of work.

The domestic worker law outlines rights and working conditions for domestic workers, including limits on working hours and a minimum wage. The law



establishes a conciliation process for labor inspectors to handle disputes between domestic workers and their employers, but the law lacks time limits for a resolution.

**Occupational Safety and Health:** The Ministry of Employment and Vocational Integration sets and enforces rudimentary occupational safety and health (OSH) standards. In the formal sector, workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in such situations, although there are no provisions in the labor code that refer directly to this right.

**Wage, Hour, and OSH Enforcement:** The government did not effectively enforce basic provisions of the labor code, such as payment of the minimum wage and other basic benefits under the National Social Security Fund, or OSH regulations. The country's labor inspectors reported that although they attempted to monitor working conditions and investigate accidents, they lacked adequate resources, preventing effective enforcement of labor laws. Labor inspectors did not inspect small workshops with fewer than five employees or private homes, as the law requires a warrant or permission of the owner to search a private residence. Inspectors reported that their role as mediators of labor conflicts significantly limited time spent proactively inspecting work sites and remediating and uncovering violations. Inspectors do not have punitive power and cannot independently levy fines or other punishments. Only action by the public prosecutor that results in a judicial decree can force an employer to take remedial actions. Enforcement procedures were subject to lengthy delays and appeals.

Penalties for violations were not commensurate with those for similar crimes, such as fraud, and were sometimes applied against violators. Penalties for violating the Domestic Worker Law range from fines to one to three months of imprisonment in cases of repeated offenses. Penalties under the domestic worker law were sometimes applied against violators. Labor inspectors reported their small numbers, scarce resources at their disposal, and the broad geographic dispersion of sites limited their ability to enforce the domestic workers law effectively.

**Informal Sector:** A Moroccan Central Bank study indicated that 30 percent of Morocco's GDP depended on the informal sector. The largest informal sectors

were agriculture, textiles, and temp agencies.